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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,200	11/04/2003	Mattheos Koffas	CL1596USDIV	5018

23906 7590 01/12/2005

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EXAMINER

SWOPE, SHERIDAN

ART UNIT PAPER NUMBER

1652

DATE MAILED: 01/12/2005

Please find below-and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,200	Applicant(s) KOFFAS ET AL.	
	Examiner Sheridan L. Swope	Art Unit 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 24-26 and 28-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 24-26 and 28-36 are pending.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 35 and 36, in part, and 24-26, and 32, drawn to a method for producing a single cell protein, classified in class 435, subclass 71.1.
- II. Claims 35 and 36, in part, and 28-29 and 33, drawn to a method for producing a feed product comprising protein, carbohydrates, and pigment, classified in class 426, subclass 53.
- III. Claims 35 and 36, in part, and 30 and 31, drawn to a method of identifying a high-growth methanotrophic bacterial strain, classified in class 435, subclass 15.
- IV. Claims 35 and 36, in part, and 34, drawn to a method for producing an exopolysaccharide, classified in class 435, subclass 41.

For Invention II above, restriction to one of the following is also required under 35 USC 121 and 327. Therefore, election is required of one of inventions I-VI and, if Invention II is elected, one of inventions (A)-(P).

(A) SEQ ID NO: 1

(B) SEQ ID NO: 3

(C) SEQ ID NO: 5

(D) SEQ ID NO: 7

(E) SEQ ID NO: 9

(F) SEQ ID NO: 11

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(G)SEQ ID NO: 13

(H)SEQ ID NO: 15

(I) SEQ ID NO: 17

(J) SEQ ID NO: 19

(K)SEQ ID NO: 21

(L) SEQ ID NO: 23

(M) SEQ ID NO: 25

(N)SEQ ID NO: 27

(O)SEQ ID NO: 29

(P) SEQ ID NO: 31

(Q)SEQ ID NO: 33

(R)SEQ ID NO: 35

(S) SEQ ID NO: 37

(T) SEQ ID NO: 39

(U)SEQ ID NO: 41

(V) SEQ ID NO: 43

(W) SEQ ID NO: 45

(X)SEQ ID NO: 47

(Y)SEQ ID NO: 49

(Z) SEQ ID NO: 51

(AA) SEQ ID NO: 53

(BB) SEQ ID NO: 55

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(CC) SEQ ID NO: 57

(DD) SEQ ID NO: 59

(EE) SEQ ID NO: 61

(FF) SEQ ID NO: 63

(GG) SEQ ID NO: 65

(HH) SEQ ID NO: 67

(II) SEQ ID NO: 69.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). Also, product and process inventions are distinct if any of the following can be shown: (1) that the process as claimed can be used to make another and materially different product, (2) that the product claimed can be used in a materially different process of using that product, or (3) that the product claimed can be made by another and materially different process (MPEP § 806.05(h)). These inventions are different or distinct for the following reasons.

Inventions I-IV are independent because the methods of Inventions I-IV comprise different steps, utilize different products and/or produce different results.

A search for more than one of Inventions I-IV would be a burden on the Office for because the methods of Inventions I-IV comprise different steps, utilize different products and/or produce different results.

These inventions are distinct for the reasons given above and have acquired a separate status in the art due to their recognized divergent subject matter, as shown by their different

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classification. Furthermore, as explained above, searching more than one invention would be a burden on the Office. Therefore, restriction for examination purposes, as indicated, is proper.

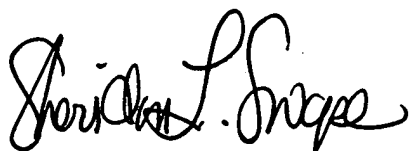
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943. The examiner can normally be reached on M-F; 9:30-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Sheridan Lee Swope, Ph.D.

A handwritten signature in black ink, appearing to read "Sheridan L. Swope". The signature is stylized with a large initial "S" and a cursive "L".

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